

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

DOUGLAS ARLIE PUCKETT,)
vs.)
Petitioner,)
vs.)
JOE M. ALLBAUGH,)
Respondent.)
No. CIV-14-301-W

ORDER

On August 3, 2016, United States Magistrate Judge Charles B. Goodwin issued a Report and Recommendation in this matter and recommended that the Amended Petition for Writ of Habeas Corpus ("Amended Petition") filed pursuant to title 28, section 2254 of the United States Code by petitioner Douglas Arlie Puckett be denied. See Doc. 16. Puckett was advised of his right to object, see id. at 19, and the matter now comes before the Court on Puckett's Objections to the Magistrate's Report and Recommendation. See Doc. 19.

The Court has reviewed de novo Puckett's objections in light of the record and the applicable statutory and case law. In doing so, the Court finds no error in Magistrate Judge Goodwin's suggested disposition of the sole issue presented by Puckett in his Amended Petition: whether the exclusion at trial of a letter purportedly written by Ja.N.,¹ see Doc. 12-

¹Ja.N., the son of Puckett's live-in girlfriend, Michelle Novotny (also spelled "Novtny"), was one of two children named in the information as amended and filed in the District Court for Oklahoma County, Oklahoma, against Puckett and Novotny. See State v. Puckett, No. CF-2009-1355; Trial Transcript ("TT"), Vol. 1 at 35-44. As to this child, the jury convicted Puckett of two (2) counts of forcible oral sodomy (Counts 15, 16), two (2) counts of attempted forcible oral sodomy (Counts 17, 18) and one (1) count of engaging in a pattern of criminal offenses in two or more counties (Count 25). The jury acquitted Puckett of two counts of sexual abuse of a child (Counts 1, 2).

7,² which contained statements that Puckett has described as "inconsistent and exculpatory," Doc. 12-1 at 25, violated Puckett's constitutional rights.

Accordingly, for the same reasons as those set forth by Magistrate Judge Goodwin, the Court

(1) ADOPTS the thorough and well-reasoned Report and Recommendation [Doc. 16] issued on August 3, 2016;

(2) DENIES Puckett's Amended Petition [Doc. 7]; and

(3) ORDERS that judgment in favor of respondent Joe M. Allbaugh issue forthwith.

ENTERED this 4th day of November, 2016.



LEE R. WEST
UNITED STATES DISTRICT JUDGE

In accordance with the jury's verdict, the trial court sentenced Puckett to terms of imprisonment of twenty (20) years on Counts 15 and 16 each, terms of imprisonment of five (5) years on Counts 17 and 18 each and a term of imprisonment of six (6) months on Count 25. The sentences on Counts 15, 16 and 25 were ordered to run concurrently, but consecutively with Counts 17 and 18, which were to be served consecutively to each other.

²Ja.N., then age eleven (11), testified at the preliminary hearing on May 29 and June 2, 2009; he died of cancer prior to trial on August 26, 2009. The letter was not introduced at the preliminary hearing, and the trial court denied its admission at trial. See TT Vol. VI at 1186-1189, 1203-1208.